



# MINUTES

*a-1*

Aeron Arlin-Genet  
Richard Marshall  
Richard Lichtenfels  
John Nall  
John Euphrat

## San Luis Obispo County Subdivision Review Board

### MEETING LOCATION AND SCHEDULE

Regular Subdivision Review Board meetings are held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, on the first and third Mondays of each month. The meeting schedule is as follows:

Meeting Begins: 9:00 A.M.  
Morning Recess: 10:30-10:45 A.M.  
Noon Recess: 12:00-1:30 P.M.

*ALL HEARINGS ARE ADVERTISED FOR 9:00 A.M. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.*

**DRAFT \*\*\*\*\* DRAFT \*\*\*\*\* Wording could change upon approval \*\*\*\*\* DRAFT \*\*\*\*\* DRAFT**

**MEETING DATE: MONDAY, MARCH 7, 2005**

**PRESENT:** Laurie Salo, Environmental Health  
Richard Marshall, Public Works  
John Nall, Planning, Environmental  
Aeron Arlin-Genet, Air Pollution Control District  
John Euphrat, Long Range Planning, Chairman

**ABSENT:** None

**STAFF:** James Caruso, Current Planning  
Stephanie Fuhs, Current Planning  
Mike Wulkan, Current Planning  
Brian Pedrotti, Current Planning  
Murry Wilson, Current Planning  
Susan Callado, Current Planning

**OTHERS:** Jim Orton, County Counsel

The meeting is called to order by Chairman Euphrat.

The following action minutes are listed as they were acted upon by the Subdivision Review Board and as listed on the agenda for the Regular Meeting of March 7, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

<b>Speaker</b>	<b>Note</b>
Roll Call	All Board members present.
Public Comment	Members of the public wishing to address the Subdivision Review Board on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.
Ms. Arlin-Genet	Discusses opportunity to see results of Community 2050 Summit Meeting workshop results and to discuss Smart Growth, meeting to be held on March 11, 2005 at Grace Church, 9 am to

Noon. Phone 781-4219. Gives website address: [www.community2050.org](http://www.community2050.org) where one can register online.

Eric Greening

States he understands a reservation is necessary and can be made through the Council of Governments office at the number just given. Observes there are as many years from now till 2050 as between 1960 and today. Urges all to consider same and the include young people who will be adults in 2050.

Gwynn Taylor

States she has been frustrated and irritated by last minute information that is provided to board members. Suggests information must be submitted a minimum of 72 hours before a meeting so public may review all materials.

## CONSENT AGENDA

Public Testimony

No one coming forward.

Thereafter, on motion by Mr. Marshall

### CONSENT AGENDA: (Recommend Approval)

- a. Minutes of February 7, 2005 Subdivision Review Board meeting.
- b. **Parcel Map CO 00-0204 (S000123P)** Request from **SOL CAMPOS JR.** for a **1st time extension** for tentative parcel map CO 00-0204, a subdivision of an existing 88.47 acre parcel into 4 parcels of 23.81, 20.01, 20.84, and 23.81 acres each. The project is located on the north side of Highway 58, approximately 1 mile west of O'Donovan Road, approximately 8 miles east of the community of Santa Margarita, in the El Pomar planning area. APN: 043-321-064 Supervisorial District 5.
- c. **Parcel Map CO 01-0237 (S010320Q)** Request from the **LAND CONSERVANCY OF SAN LUIS OBISPO/JOHN HAYASHI** for Vesting Tentative Parcel Map **CO 01-237** and Development Plan, to subdivide an existing 19.5 acre parcel into three parcels of 9.0, 5.0, and 5.5 each, in the Agriculture Land Use category. The project is located at 4435 South Higuera Street, south of the City of San Luis Obispo; APN: 076-081-018, in the San Luis Obispo Planning Area. County File No. **S010320Q**. Supervisorial District: 3.
- d. **Parcel Map CO 02-0015 (S010296P)** Request from **JOHN & GILL BOUMA** for Parcel Map CO 02-0015, to allow for grading and to subdivide an existing 10.6 acre parcel into two parcels ranging in size from approximately 5.33 acres each, in the Residential Rural Land Use category. The project is located in the county on the northwest corner of Applegate Way and Viejo Road, approximately 1,000 feet north of the intersection of Applegate Way and Chesapeake Place, approximately 4 miles south of the City of Arroyo Grande; APN: 091-073-005, in the South County Planning Area. County File No. **S010296P/CO 02-0015**. Supervisorial District: 4
- e. **Lot Line Adjustment COAL 02-0341 (S020180L)** Request from the **VAUGHAN SURVEYS, INC./ MARTIN & HOBBS, LLC.** for Lot Line Adjustment **COAL 02-0341** to adjust the lot lines between two (2) existing parcels of 39.58 and 19.83 acres each. The adjusted parcels will be 40.83 and 18.58 acres each, respectively. The project is located at 5280 Adelaida Road, approximately 5.5 miles west of the intersection of Adelaida Road and Lake Nacimiento Road, northwest of the City of Paso Robles. The site location is in the Rural Adelaida area with an Agriculture Land Use category designation. APN: 026-221-030, Lots 1 and 2. County File No. **S020180L**. Supervisorial District: 1.

1. DELWYN &  
BETTY WAYNER,  
County File No.  
SUB2003-00369

This being the time set for hearing to consider a request by **Delwyn and Betty Wayner** for a vesting tentative parcel map to subdivide an existing 10 acre parcel into three parcels of 2.5, 2.5 and 5.0 acres each, for the sale and/or development of each parcel. The project includes the use of Transfer of Development Credits. The project is within the Residential Rural land use

/CO04-0309

category and is located on the west side of Westwind Way (at 815 Westwind Way), approximately 1,000 feet north of Dawn Road, approximately three miles northwest of the community of Nipomo, in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Air Quality, Biological Resources, and Water. **County File No. SUB2003-00369 / CO 04-0309.** APN: 091-232-003. Supervisorial District: 4. Acceptance Date: September 13, 2004. Stephanie Fuhs, Project Manager.

Stephanie Fuhs, staff

Presents the staff report. Describes details. States 1 TDC has been approved for transfer. There is secondary access, recommends Condition 2b. be amended. Provides language.

Staff and Board members

Discuss possible future subdivision, future combining designation that will state it has been developed to its maximum density. Further discussion takes place regarding how the TDC system works.

Betty Wayner, applicant

States her son has lived on the property 20 years. States it is her desire that he be able to afford the land under his house, and that is the reason for the subdivision. States by buying the TDC they can accomplish their goal.

Eric Greening

States his questions have been answered and he understand the sending site is in the Black Lake Canyon Area. States that any time a TDC receiver site is on the agenda, that should be part of the information for the Board and public as to where the public benefit is in relation to the sending site. Indicates his feeling it is important to keep the public informed.

Sean Slater

States he lives on a neighboring parcel. States he has been told there will not be any splits less than 5 acres, and wonders if this is a policy change.

Stephanie Fuhs, staff

States zoning is 5-acre minimum and the reason the recommendation is for approval is because they were able to get the TDC from the Nature Conservancy. Until recently this was unavailable.

Kami Griffin, staff

States this is a community-based program. Interested individuals should visit to the local community advisory group to obtain agreement.

Ms. Arlin-Genet

States air quality will be affected by this kind of development, where lot splits are farther removed from city hubs. The Air Pollution Control Board position is that such development will be unsustainable in the long run.

Motion

Thereafter, motion by Mr. Marshall, seconded by Mr. Nall, carried, with Ms. Arlin-Genet voting no, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and approve Tentative Parcel Map CO 04-0309, based on the Findings in Exhibit A, as presented, and subject to the Conditions in Exhibit B, with modification of Condition 2.b., as follows: delete the phrase " the property to a paved public road" and insert in its place "Dawn Road to either Willow Road or Pomeroy Road.", approved.

2. HEYN, County File No. SUB2003-00234 / CO 04-0255

This being the time set for hearing to consider a request by **Michael and Rebecca Heyn** for a Tentative Parcel Map to subdivide an existing 2.49 acre parcel into two parcels of 1.13 and 1.36 acres each for the purpose of sale and/or development. The project includes off-site road improvements. The project is within the Residential Suburban land use category and is located on the north side of Woodland Hills Road (at 875 Eastview Way), approximately 750 feet south of the Mesa View Drive (Highway One)/Woodland Hills Road intersection, approximately 3 miles south of the City of Arroyo Grande, in the South County (Inland) planning area (Palo Mesa Village). Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Public Services and Utilities, Recreation, and Water. **County File No: SUB2003-00234/CO04-0255.** APN: 075-151-021. Supervisorial District 4. Date Accepted: November 1, 2004. Stephanie Fuhs, Project Manager.

- Stephanie Fuhs, staff Gives the staff report. Recommends approval with deletion of Condition 3.f.
- Ms. Arlin-Genet Requests information about existing structures, whether they will be removed, or if the buildings may contain any asbestos.
- Doug Marsh States the house was built in the 1970's, does not know about asbestos, but there are no plans to remove the house. States future plans.
- Stephanie Fuhs, staff Suggests addition of a condition requiring adherence to standards.
- Board members and staff Discuss demolition of the structure in the future, whether a condition should be included, whether information should be included.
- MOTION Thereafter, motion by Mr. Nall, seconded by Ms. Salo, is unanimously carried, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and to approve Tentative Parcel Map CO 004-0255 based on the Findings in Exhibit A, as presented, and subject to the Conditions in Exhibit B, with deletion of Condition 3.f.
3. NEWDOLL, County File No. SUB2004-00012 / CO04-0342 This being the time set for hearing to consider a request by **Newdoll Construction / Chris and Dennis Cajas** for a Vesting Tentative Parcel Map to subdivide an existing 4.6 acre parcel into four parcels of approximately one acre each for the purpose of sale and/or development. The project includes off-site road improvements. The proposed project is within the Residential Suburban land use category and is located at 652 Story Street in the community of Nipomo. The site is in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Air Quality, Public Services and Utilities and Water. **County File No: SUB2004-00012/CO 04-0342.** APN: 092-311-001. Supervisorial District: 4. Date Accepted: October 13, 2004. Stephanie Fuhs, Project Manager.
- Stephanie Fuhs, staff Gives the staff report. Recommends approval and deletion of Condition 5g, and renumbering of Conditions 19 through the end.
- Ms. Salo Regarding the preliminary Environmental Health letter about the onsite well, requests clarification of whether the issue has been resolved, with staff responding. States that issue will have to be resolved prior to the map being recorded.
- Terry Payne, RRM Design, Agent States the existing well has been abandoned, and documentation can be provided. Requests that regarding road improvements, at such time as the land can be subdivided into smaller parcels, the offer of dedication will be done, with improvements deferred to a later date.
- Robert Lewin, County Fire Marshall States the letter will be provided. And the road issue, whether Meredith goes through, the length requirement must be met.
- Terry Payne, RRM Design Provides an explanation of adequate turn-around that will be provided.
- Michael Cook Requests information about plans for density now and in the future.
- Kami Griffin, staff States there is no plan for a General Plan Amendment. States this is very likely the ultimate subdivision for this parcel for the foreseeable future.
- Michael Cook States his concern is that his property value not be destroyed by condominiums or apartments. Provides a description of the near neighborhood. Speculates regarding future higher density.
- Chairman Euphrat Responds to Mr. Cook that as of now, it is not anticipated that higher density will be allowed on this parcel.
- Terry Payne, Agent States that is the reason the improvements are requested to be deferred, to limit traffic.
- Mr. Marshall Discusses the neighborhood and zoning at the project site and short background is provided regarding the street. States the street was intended to go through. Discusses urban standard,

and rural standard, and the differences. States it therefore will not be a hardship to provide the full length of the road.

- Discussion takes place Among Board members, County Counsel, Mr. Lewin and staff, regarding signing the face sheet, subsequent building permits.
- Motion Thereafter, motion by Mr. Marshall, seconded by Mr. Nall, is unanimously carried, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and approve Vesting Tentative Parcel Map CO 04-0342, based on the Findings in Exhibit A as presented, and subject to the Conditions in Exhibit B, with the following changes: deletion of Condition 5.g., modification of Condition 14 to read as follows: The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department prior to approval of subdivision improvement plans establishing fire safety requirements prior to filing of the final parcel map; modification of Condition 19.d. to read: "A notice that no construction permits will be given a final inspection until the fire safety conditions established by California Department of Forestry (CDF)/County Fire Department are completed." and renumbering as appropriate.
4. CASAS, County File No. SUB2003-00137 / CO 04-0048 Hearing to consider a request by **Jose Casas/WRD Engineering** for a Vesting Tentative Parcel Map to subdivide an existing acre 1.14 acre parcel into four parcels ranging in size from 9,616 square feet to 12,387 square feet each for the purpose of sale and/or development. The project includes off-site road improvements to Pino Solo Court and West Tefft Street. The division will create one on-site road. The proposed project is within the Residential Single Family land use category and is located at 110 Pino Solo Court in the community of Nipomo, in the South County (Inland) planning area. This project is exempt under CEQA. **County File No: SUB 2003-00137/CO 04-0048. APN: 092-572-038. Supervisorial District 4. Date Accepted: November 3, 2004. Stephanie Fuhs, Project Manager.**
- Stephanie Fuhs, staff Gives the staff report. Recommends approval and addition of date of letter into Conditions 18 and 23.d.
- Sherry Fitzgerald States Pino Solo is a cul de sac and very narrow so unless adequate parking is provided onsite, there will not be adequate parking. States she and neighbors wonder what a CEQA exemption is. States they wish the street to come off Tefft into the parcel. Wants to know if applicant must do a pump station or will come from the existing one, and same question for fire hydrant. Would like to know what the improvements will be.
- Robert French States he owns neighboring property. States the survey appeared to reduce the size of his lot, and he requests postponement until he can survey. Also has drainage concerns, and thirdly, wonders about driveway access to Parcel 2.
- Discussion takes place among Board members and staff Regarding access, zoning, development of neighboring parcels, uses in the area at this time, access off West Tefft and why that is not desirable, safety of access, the kind of road that will exist following road improvements, which will result in widening to a higher standard, construction of curb, gutter and sidewalk on Pino Solo and Tefft, parking standards.
- Robert Lewin, CDF States a road name will have to be given any new road that is constructed in connection with this parcel. Refers to Condition 4, "to meet CDF standards and with designated no parking signs installed." Discusses required installation of fire hydrants, which is a building permit requirement.
- Chairman Euphrat To accomplish the subdivision, public water must be available, and a pump station may have to be installed.
- Mr. Marshall States any surveying error will have to be corrected before a final map can be recorded. Discusses same.
- MOTION Thereafter, motion by Mr. Marshall, seconded by Ms. Arlin-Genet, and unanimously carried, to note the Class 15 Categorical Exemption and approve Vesting Tentative Parcel Map CO 04-0048 based on the Findings listed in Exhibit A, as presented, and subject to the Conditions in Exhibit B, with the following changes: Add "to meet CDF standards and with designated "no parking" signs installed." To Condition 4., add "March 1, 2005 at the end of Condition 18, and

add "per the CDF letter dated March 1, 2005" to Condition 23.

This being the time set for hearing to consider a request by **Hank Grattan** for a vesting tentative parcel map to subdivide an existing 101-acre parcel into five parcels of approximately 20 acres each for the purpose of sale and/or development. The division will create two on-site road easements, primarily over existing roads. The proposed project is within the Rural Lands land use category and is located on the east side of Lupine Lane at 1845 Lupine Lane, approximately 750 feet north of Templeton Road, about three and one-half miles east of Templeton, in the El Pomar-Estrella Planning Area. APN: 034-071-005. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures identified for: agricultural resources, biological resources and transportation/circulation. **County File No: SUB 2003-00147**. Supervisorial District #1. Date Accepted: May 20, 2004. Mike Wulkan, Project Manager.

5. GRATTAN,  
County File No.  
SUB2003-00147 /  
CO 04-0132

Mike Wulkan, staff	Gives the staff report, and gives reason why 5 parcels can qualify for a Parcel Map rather than a Tract Map. States the land was rezoned as part of El Pomar-Estrella Update, and the land use category is now Rural Lands. Discusses conditions. Recommends approval.
Board members and staff	Discuss various issues, including Condition 8,
Robert Lewin, CDF	Refers to Condition 8, stating the access to the existing and proposed homes would have to be brought up to code.
Pam Jardini, Planning Solutions, Agent	Change to #8 for each existing residence is fine with applicant, as well as addition of that to additional map sheet conditions. Refers to Conditions 12.k and l. Discusses road easements
Board members, agent and staff	Discuss conditions changes.
G. D. Poulon	States she lives across the street, and they have been good neighbors. Thanks County for requiring conditions. Questions what structures can be excluded because of the riparian area. Further, if any conditions would exclude development or activities because of the riparian and old woodlands, will this become a long term record so that it will be protected in the future.
Eric Greening	Discusses the Clean Air Plan and how subdivisions such as this one increase air pollution. Wonders about discussions at Templeton Area Advisory Group (TAAG) and the legal status of the El Pomar-Estrella Area Plan, and because of the suit that has been filed, and how that may affect this subdivision.
Mark Harold	States he is a neighbor to the north. Describes his property and the zoning, stating his property has been in the Williamson Act since that program began. Thanks the County for its work. Requests information about what can and cannot be built inside and outside the agriculture buffer zone.
Pam Jardini, Agent	States this project was before TAAG several months ago, and that body voted in favor.
Board members and staff	Discuss conditions, including no development that has roads being allowed within the building control line(s). There is also a condition requiring no removal of oak trees, unless the Planning Director determines it is necessary. Those conditions will be recorded on an additional map sheet which will run with the land, and a developer statement will be signed and will run with the land as well. That is the mechanism for assuring conditions are met in the future.
Jim Orton, County Counsel	Requests information about the control line, with staff responding.
Mike Wulkan, staff	States TAAG has not provided a letter, but he believes no problems came up. States there is litigation pending on El Pomar-Estrella Area Plan Update.
Jim Orton, County	States there is no stay order in effect.

## Counsel

- Chairman Euphrat States horse corrals are not addressed.
- Mike Wulkan, staff States equestrian facilities or ag accessory structures can be included
- James Caruso, staff States "and/or site disturbance" should be added to Condition 12.g.
- Board members and staff Discuss what improvements can be done that do not require permit, restrictions on those, that subsequent property owners will become aware through the final map sheet.
- Aeron Arlin-Genet States the Air Pollution Control District uses 20 acres as threshold for subdivision.
- Mr. Marshall Provides conditions changes, as follows: Condition 3, "A minimum 25-foot easement be reserved on the map for access to all lots."; move Condition 9 to be under "Access and Improvement"; add a new condition 5 from stock language that talks about improvement plans and references street plan and profile, drainage ditches, grading and erosion control, public utilities and tree removal, but it doesn't mention water, sewer or trails, as those don't apply; Condition 4 should be re-numbered 6. New Condition 7 would be our standard language that "registered civil engineer upon completion must certify the improvements." and subsequent renumbering from there.
- Mike Wulkan, staff Provides Condition 12.g. language.
- Further discussion takes place Among Board members and staff regarding further condition changes.
- MOTION Thereafter, motion by Mr. Marshall, seconded by Ms.Salo, is unanimously carried, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and to approve Vesting Tentative Parcel Map CO 03-0132, based on the Findings in Exhibit A as presented, and subject to the Conditions in Exhibit B, with the following changes: change number of Condition 3 to become new Condition 4, and revise language to read: "A minimum 25-foot easement be reserved on the map for access to all lots." Move Condition 9 to become new Condition 3. Insert new Condition 5 from stock language that talks about improvement plans and references street plan and profile, drainage ditches, grading and erosion control, public utilities and tree removal, but does not mention water, sewer or trails, as those don't apply; move Condition #4 to become new Condition #6. Insert new Condition 7 with standard language that upon completion a registered civil engineer must certify the improvements; and renumber as appropriate; In Condition 12.g., change the last sentence to read: "All new development and site disturbance (e.g., residences, detached garages, guesthouses, sheds, agricultural accessory structures, access roads and driveways) shall be located outside the building control line(s)."; insert new Condition 12.o. to read: "Prior to recordation of the final map, a water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings."
6. DAWLEY, County This being the time set for hearing to consider a request by Gisela M. Dawley for a Lot Line Adjustment/Coastal Development Permit to adjust the lot lines between three parcels of 2,390, 1,869 and 3,080 square feet each. The adjustment will result in two parcels of 3,837 and 3,501 square feet each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Single Family land use category and is located at 428 Lupine Street and at 431 Mitchell Drive, approximately 150 feet northwest and 190 west of Fearn Avenue, respectively, in the community of Los Osos, in the Estero Planning Area. This project is exempt under CEQA. County File No: SUB2004-00185/COAL 04-0548. APN's: 074-092-020, and -014. Supervisorial District 2. Date Accepted: January 11, 2005. Mike Wulkan, Project Manager.
- Mike Wulkan, staff Gives the staff report. States there are only standard conditions, nothing special. Recommends approval.

Chairman Euphrat Requests clarification of whether this will be forwarded to Coastal Commission following approval, with staff responding.

Terry Payne, RRM  
Design Group, agent States the applicant concurs with the project as presented.

Gewynn Taylor States her property is 50 feet away. Discusses frontage. States it is in an ESHA and the property that was graded is from Mitchell all the way to Lupine and was cleaned of many types of vegetation including coastal scrub. States the site is kept clean by digging or spraying. States her concern that additional grading has and will be done in the ESHA. States they do not object to the consolidation, but are concerned about destruction of ESHA and the setting of precedent.

Eric Greening States Tract 16 and this parcel include wetlands. States the map may be misleading.

Mike Wulkan, staff Points to marshland/wetland on a photograph. States there has been disturbance in that area. It took place in the past, at least one to two years ago. Encourages neighbors to call Code Enforcement.

Board members and staff Discuss who may be responsible for grading.

Gewynn Taylor States that the County and Fish & Game was notified about the illegal grading. Asks if illegal grading occurs again, how will ESHA be preserved? States two years ago, Code Enforcement was called.

Board Members and staff Continue discussion.

**MOTION** Motion by Ms. Salo, seconded by Mr. Nall, is discussed. Thereafter, motion maker and second revise their motion, and motion by Ms. Salo, seconded by Mr. Nall, is unanimously carried, to approve Lot Line Adjustment / Coastal Development Permit COAL 04-0548 / SUB2004-00185, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, as presented.

7. GREEN CANYON,  
County File No.  
S030160P / CO 03-  
0336 This being the time set for hearing to consider a request by **Green Canyon LLC** for a Vesting Tentative Parcel Map to subdivide an existing 84.33 acre parcel into: 4 residential parcels ranging from 5.03 to 5.35 acres each and one remainder parcel of 62.34 acres. The remainder parcel is within the Agriculture land use category, the residential parcels are within the Residential Suburban land use category, and include a portion of each parcel to be covered by a proposed open space easement (totalling 11.22 out of 21.99 acres). The project includes a request for the site to be a Transfer of Development Credit (TDC) Receiver Site to allow one additional unit for a total of 4 units. The project is located between the southern terminus of Woodhaven Way and Oso Flaco Road approximately 2 miles southwest of the community of Nipomo. The site is in the South County (Inland) planning area. APN: 091-322-046. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology & Soils, Hazards and Hazardous Materials, Public Services/Utilities, Recreation, and Water. **County File No. S030160P / CO 03-3036 0336**. Date application accepted: May 18, 2004. Supervisorial District #4. Brian Pedrotti, Project Manager

Brian Pedrotti, staff Gives the staff report. States a TDC was obtained, to make this a 4-lot subdivision. Building envelopes have been designated in response to archeological resources. Recommends approval. Provides corrections. States throughout the staff report, the map number should be corrected to read CO 03-0336. Discusses location of the access road. Discusses the archeological site and its definition, stating it should be identified prior to map recordation.

Christopher Helanious, Green Canyon, LLC, Applicant Thanks staff. States they have been working on this project 6 or 7 years. Gives short history, not contained within staff report. States phase 2 went before Nipomo Community Advisory Council as well. No one objected.



Cindy Lewis, Wallace  
Group

Provides a list of changes desired.

Board Members, staff  
and County Counsel

Discuss conditions and language, with Ms. Arlin-Genet reiterating the position of the Air Pollution Control District's letter dated December 1, 2003.

Mr. Helanious

States he agrees there should be mention of access from Woodhaven to Bluff Trail

Cindy Lewis, Wallace  
Group

Points out that the easement is shown on the map.

Board members and  
staff

Further discuss changes required and other details of the project.

The matter is fully discussed and thereafter, motion by Mr. Marshall, seconded by Mr. Nall, is carried, with Ms. Arlin-Genet voting no, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and approve Vesting Tentative Tract Map CO 03-0336, based on the Findings in Exhibit A as presented, and subject to the Conditions in Exhibit B, with the following changes: Delete Conditions 6.a. and 6.b.; revise Condition 15 to read: "An open space easement be recorded for the area designated as open space on Exhibit A. The open space parcel is to be maintained as such in perpetuity."; insert new Condition 16 as follows: "Prior to recordation of the final map, the applicant shall submit to General Services, Parks Division, a Trail Plan for the property, which shall include the location of the bluff trail, a 25-foot bluff trail easement, and a 10-foot wide trail connection from Woodhaven Way to the Bluff Trail. The bluff trail is to remain in its current unimproved state."; revise Condition 16.j. to read: "At the time of application for construction permits, the applicant shall clearly delineate the building sites on the project plans, as shown on the attached exhibit. All new development (e.g. residences, detached garages, guest houses, and sheds) shall be located within the building sites."; revise Condition 16.k. to read: "At the time of application for grading permits, the applicant shall delineate the Environmentally Sensitive Area on the project plans. All new development (e.g. access roads, driveways, residences, detached garages, guest houses, sheds, utility trenches) shall be located outside the environmentally sensitive area."; revise Condition 16.q. to read: Prior to issuance of building permits, the applicant shall submit construction plans in compliance with Title 19 (Building and Construction Ordinance, Sec. 19.20.240), which requires the following water-conserving fixtures for domestic use: toilets limited to 1.6 gallons/flush; showerheads and faucets limited to 2.75 gallons/ minute; spas and hot tubs shall use re-circulating systems."; revise Condition 16.r. to read: "The applicant shall obtain issuance of a certificate of compliance or conditional certificate of compliance prior to sale of the remainder parcel."; revise Condition 17.l. to read: **"At the time of application for construction permits, the applicant shall clearly delineate the building sites on the project plans, as shown on the attached exhibit. All new development (e.g. residences, detached garages, guest houses, and sheds) shall be located within the building sites.";** revise Condition 17.m. to read: **At the time of application for grading permits, the applicant shall delineate the Environmentally Sensitive Area on the project plans. All new development (e.g. access roads, driveways, residences, detached garages, guest houses, sheds, utility trenches) shall be located outside the environmentally sensitive area.";** and revise Condition 17.s. to read: **Prior to issuance of building permits, the applicant shall submit construction plans in compliance with Title 19 (Building and Construction Ordinance, Sec. 19.20.240), which requires the following water-conserving fixtures for domestic use: toilets limited to 1.6 gallons/flush; showerheads and faucets limited to 2.75 gallons/ minute; spas and hot tubs shall use re-circulating systems."**

#### MOTION

8. HINSDALE,  
County File No.  
SUB2004-00151 /  
CO 04-00151

This being the time set for hearing to consider a request by **Andy Hinsdale** for a Parcel Map/Development Plan/Coastal Development Permit to convert an existing duplex and a detached single-family residence into a Planned Development by subdividing an existing 7,551 square foot parcel into three parcels of 2,221 square feet, 1,457 square feet, 2,048 square feet, with a common area of 1,825 square feet for the purpose of sale. The project includes off-site road improvements. The project will not result in the disturbance of soil on the subject parcel. Approximately 400 square feet of soil will be disturbed within the county right-of-way for the

required curb, gutter, sidewalk, and road improvements. The proposed project is within the Residential Multi-Family land use category and is located at 148 Birch Avenue in the community of Cayucos, in the Estero planning area. This project is exempt under CEQA. **County File No: SUB2004-00151. APN: 064-031-024. Supervisorial District: 2. Date Accepted: January 12, 2005. Murry Wilson, Project Manager.**

Murry Wilson, staff Gives the staff report. Recommends approval.

Discussion takes place among Board members and staff Regarding curb, gutters and sidewalks, which will be installed with this proposal.

Andy Hinsdale, Applicant States the curb, gutter and sidewalk are already there as are most of the street improvements. Gives a short background of the property. Requests deletion of requirement for a new landscaping plan because except for adding a street tree, the existing landscape is very old and well established.

Discussion takes place Among Board and staff regarding street tree and landscape requirements and landscape plan.

Kami Griffin, staff Provides potential language for Condition 2.

Jim Orton, County Counsel States common area parcel should be labeled Parcel 4.

MOTION A motion by Mr. Nall, seconded by Ms. Arlin-Genet is discussed. Thereafter, motion maker and second amend their motion, and motion by Mr. Nall, seconded by Ms. Arlin-Genet, is unanimously carried, to consider and accept the Class 1 categorical exemption issued on February 14, 2005 and approve Development Plan/Coastal Development Permit based on the Findings in Exhibit A and subject to the Conditions in Exhibit C, with the following changes: Condition 1.a., insert "labeled Parcel 4"; revise Condition 2 by deleting the first sentence and in the second sentence, replacing "Said plans are to" with "Said plan is to"; and approve Tentative Parcel Map CO 04-0486 based on the Findings in Exhibit B and subject to the Conditions in Exhibit D, with Condition 1 revised to add the label "Parcel 4"; Condition 3 revised by deleting the first sentence, and in the second sentence, replacing "Said plans are to" with "Said plan is to"; and in Condition 14.b. change "when" to "if."

9. FLAGG, County File No. SUB2003-00018 / CO 04-0004 Continued hearing to consider proposal by **DAVID FLAGG** for a Tentative Parcel Map to allow for a subdivision of a 39.50 acre parcel into two 19.75 acre parcels using Transfer Development Credits for the sale and development of each proposed parcel. The project will include the grading of two driveways and two house pads (one house on each proposed lot), in the Agriculture Land Use Category. The property is located in the county on the southwest corner of the intersection of Highway 41 East and Straw Ridge, 0.6 mile west of Creston Road approximately 1.87 miles north west of the community of Creston, APN: 043-051-004, in the El Pomar-Estrella Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures identified for: Aesthetics, Ag Resources, Air Quality, Biological Resource, Public Service/Utilities and Recreation. **County File Number: SUB2003-00018/CO 04-0004. Date application accepted: February 13, 2004. Supervisorial District # 1. Susan Callado, Project Manager.**

Susan Callado, staff Gives the staff report. States this project was continued so the SMAC could review, which was done. Describes building sites and site conditions. One TDC is being requested to be approved. Describes some issues, including fault line, the area standard, an on-site watercourse, describes existing development on the site. States there appears to be no riparian vegetation. Discusses TDC Review Committee requirements, setting of precedent, minimum parcel sizes in the area.

Discussion takes Regarding TDC's

place among Board members and staff

Susan Callado, staff Continues giving staff report.

Further discussion among staff and Board members

Regarding development that may be allowed within the building envelopes, oak tree removal.

Susan Callado, staff

Provides balance of staff report, continuing to state issues, including agricultural grading, initial study, need for affordable housing in the area, among others. Recommends approval.

Mr. Marshall

Requests information regarding whether there was consideration of changing the land use category for this parcel or others in the area, with staff responding.

Kami Griffin, staff

Notes the Board recently amended the TDC Ordinance, and relates how it affects this project. States an exception exists that allows subdivision down to 10 acres.

Lynda Auchinachie, Agricultural Commissioner's Office

States the Ag Department position on TDC's in ag land is resource based. In this case this property is not marginal for ag land. Half the site is woodland habitat supported by ag land. Restrictions should be put into place. A TDC would not be supported if the woodland habitat were not present. If the woodland habitat were not there, the property could be agriculturally viable. The underlying soils are fully capable of supporting vineyards.

Board members, Agricultural Commissioner's Representative, and staff

Discuss TDC's, agricultural land, potential of the site, woodland habitat. Tree removal is allowed within the building envelope, but not elsewhere on the site.

David Flagg, applicant

States, regarding structures outside the tree areas, that for building envelopes he considered only the area covered by the house. States he wants to put a barn for his horses on the property. States he tried to find the best spot on the property, and only very few trees will be removed, none over 12 inches in diameter. Those chosen for removal are diseased. Distributes a submittal.

Maria Lorca

Creston resident. States 20% of the parcels in the area are small. States breaking existing larger parcels into smaller ones to match the neighborhood makes that problem worse, so use of TDC credits should not be permitted. The fact that no additional houses will be allowed is "phoney" and states most parcels are so developed anyway. States if the parcel is kept in tact it is likely only one house would be constructed. Discusses CDF access requirements that include access road not being more than 20% of the parcel. Discusses septic. States a conservation easement might protect trees and probably would not. Refers to illegal grading. States people call code enforcement but sometimes nothing happens. States the parcel should be kept large and not encouraged to divide further. States the TDC program does harm to North County. Gives examples. States public objection to the TDC program is evidenced by signatures she has collected.

Eric Greening

States an EIR is needed for this project. States TDC's should not allow selling of indulgences and explains that statement. Refers to precedent setting being dismissed due to scattered small parcel sizes in the area. Elaborates. States the Clean Air Plan should not be ignored. Habitat fragmentation cannot be mitigated. States lack of agricultural activity should not be used to justify subdivision or use of TDC's.

Pam Heatherington, Exec. Dir., Environmental Center

States they have followed TDC transfers and they are causing destruction of habitat and agricultural land. Precedent has already been set in denying ag land as a receiver site. States subdivision leads to many problems, giving Air Pollution Control Board position as an example. States this project will cause irreversible damage by fracturing ag land.

Gordon Hensley, Exec. Dir.,

Discusses TDC's, urges Board to reject this application. States if the Board will approve, additional conditions should be included, and states what those should be, including a habitat

**Environmental in the Public Interest** conservation plan for protection of the San Joaquin Kit Fox prior to map recordation.

**David Flagg, Applicant** States he has made arrangements to do what the county wants for kit fox. States that if he were not subdividing the kit fox would receive less protection, because presently it has none. States air quality problems will not result from not being ag land, because agricultural equipment reduce air quality as well.

**Aeron Arlin-Genet, Air Pollution Control District** Responds to Mr. Flagg regarding APCD position, which is that growth should occur within close proximity to existing services. States last year, agricultural land was included in regulations to control air pollution.

**Board members and staff** Discuss slope, access road, CDF standards, septic system, other projects that have requested use of TDC's and the Board of Supervisors action on those.

**MOTION** Thereafter, a motion by Mr. Marshall, seconded by Chairman Euphrat, is discussed. Motion maker and second do not amend their motion, and motion by Mr. Marshall, seconded by Chairman Euphrat, to adopt the Negative Declaration and approve the project fails, with Ms. Salo, Ms. Arlin-Genet and Mr. Nall voting no.

**Board members, staff, and Agriculture Commissioner's representative** Discuss possible action and direction to staff that would be required.

**TENTATIVE MOTION** Thereafter, tentative motion by Mr. Nall, seconded by Ms. Arlin-Genet, is carried, with Chairman Euphrat voting no, to deny the tentative parcel map CO 04-0004 and direct staff to prepare Findings for Denial in the areas read into the record regarding size of existing parcel in relation to minimum parcel size and agriculture policies in Agriculture and Open Space Element that would be applicable, and bring those Findings back before the Subdivision Review Board on Monday, April 4, 2005.

**ADJOURNMENT**

Respectfully submitted,  
Lona Franklin, Secretary  
Subdivision Review Board